

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DONALD ODOMS,

Case No. 6:17-cv-00775-AC
ORDER

Petitioner,

vs.

OREGON STATE BOARD OF PAROLE
AND POST PRISON SUPERVISION,

Respondent.

AIKEN, District Judge:

Magistrate Judge John Acosta has filed his Findings and Recommendation (“F&R”) (Doc. 45) recommending that the Court deny the Petition for Writ of Habeas Corpus. (Doc. 2) Magistrate Judge Acosta further recommended that this action be dismissed and no Certificate of Appealability be issued. This case is now before me.

See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge’s F&R, the district court must make a *de novo* determination of that portion of the magistrate

judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982).

Petitioner has filed timely objections (doc. 47) and respondent has filed a timely response (doc. 48). Having reviewed the objections and the file of this case, the Court finds no error in Magistrate Judge Acosta's order.

Thus, the Court adopts Magistrate Judge Acosta's F&R (doc. 45) in its entirety. Accordingly, this action is dismissed. The Court declines to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 24th day of March, 2021.

/s/Ann Aiken
Ann Aiken
United States District Judge